

C770552 : MAJOR Public law

KEY WORD: CONSTITUTIONALITY/ REVOLUTIONARY / CONSTITUTIONAL TRIBUNAL / COURT OF JUSTICE

PISIT THAMAKUL : THE CONTROL OF THE CONSTITUTIONALITY OF THE REVOLUTIONARY ORDER BY THE CONSTITUTIONAL TRIBUNAL AND COURT OF JUSTICE . THESIS ADVISOR : ASSIST.PROF. NANTAWAT BORAMANAND, Ph.D. THESIS COADVISOR : JARAN PUKDITANAKUL, 176 pp. ISBN 974-637-876-7

The purpose of this thesis is to study the constitutionality of the revolutionary orders and the body exercising power to examine such orders by comparing the situations in Thailand and in some other civilized countries. In Thailand, there was a different procedure in controlling the constitutionality of orders as the competent body had been changed several times in particular when the constitution was repealed according to the revolution. Therefore, it must be considered that which body should exercise the power.

According to the study from the decisions of the Thai Constitutional Tribunals and of the Courts of Justice as well as the control system of the other countries, the control body should be a permanent one and the examination should be made only after the effectiveness of the orders. This is because the control over the legality of the announcement of the orders is different from the control over the constitutionality of the substance of the orders. In the later case, the objectives of the announcement and the purpose of enforcing such orders as laws must be taken into account, while in the former case, it must consider whether there is any provision of law empowering such announcement. However, it should be noted that the illegality of the announcement of orders does not always make the orders unconstitutional.

In conclusion, it should be proposed that there should be a permanent body to control over the constitutionality of the revolutionary orders in Thailand. Such body must separate from the civil, criminal and administrative procedures except during in the revolution or the state of emergency, which there is no a special body to exercise the power. In that case, the courts of justice as a permanent judicial organ shall exercise the power.

ภาควิชา.....นิติศาสตร์

สาขาวิชา.....นิติศาสตร์

ปีการศึกษา.....2540

ลายมือชื่อนิสิต.....

ลายมือชื่ออาจารย์ที่ปรึกษา.....

ลายมือชื่ออาจารย์ที่ปรึกษาร่วม.....